

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NOLAN DAVID BARBISAN,

Defendant.

CR 17-09-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 15, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

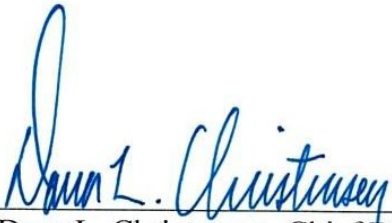
Judge Lynch recommended this Court accept Nolan David Barbisan’s guilty plea after Barbisan appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of being a felon in

possession of firearms in violation of 18 U.S.C. § 922(g)(1), as set forth in the Indictment. Defendant further agrees to the forfeiture allegation in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II - IV of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 26), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Nolan David Barbisan's motion to change plea (Doc. 19) is GRANTED and Nolan David Barbisan is adjudged guilty as charged in Count I of the Indictment.

DATED this 31<sup>st</sup> day of August, 2017.

  
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Dana L. Christensen, Chief District Judge  
United States District Court